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Attorneys for Nugget Construction Co., Inc.,
 and USF&G, Defendants

IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF ALASKA AT ANCHORAGE

UNITED STATES OF AMERICA for the)
 use of NORTH STAR TERMINAL &)
 STEVEDORE COMPANY, d/b/a NORTHERN)
 STEVEDORING & HANDLING, and NORTH)
 STAR TERMINAL & STEVEDORE COMPANY,)
 d/b/a Northern Stevedoring &)
 Handling, on its own behalf,)

No. A98-009 CIV (HRH)

Plaintiffs,

and

UNITED STATES OF AMERICA for the)
 use of SHORESIDE PETROLEUM, INC.,)
 d/b/a Marathon Fuel Service, and)
 SHORESIDE PETROLEUM, INC., d/b/a)
 Marathon Fuel Service, on its own)
 behalf,)

Intervening Plaintiffs,

and

METCO, INC.,

Intervening Plaintiff,

vs.

NUGGET CONSTRUCTION, INC.; SPENCER)
 ROCK PRODUCTS, INC.; UNITED)
 STATES FIDELITY AND GUARANTY)
 COMPANY; and ROBERT A. LAPORE,)

Defendants.

AFFIDAVIT OF
LYNN "RANDY" RANDOLPH
IN SUPPORT OF NUGGET'S
MOTION FOR LEAVE TO TAKE
VIDEO DEPOSITION OF LYNN
"RANDY" RANDOLPH

1
2 STATE OF ALASKA)

3)

4)

5 Lynn D. "Randy" Randolph, being first duly sworn upon oath,
6 deposes and states as follows:

7 1. I was the project manager for Nugget Construction Inc.
8 during performance of the Homer Spit Repair and Extension project. I
9 have been working in construction since I graduated from the United
10 States Air Force Academy in 1973, and I have been a professional
11 engineer in the State of Alaska since 1988.

12 2. I am presently working as the project construction and
13 design manager, engineer of record, and sealift manager for Chugach
14 Industries Inc. on the construction of a new fuel storage and Airfield
15 Operations facility on Midway Atoll. The total value of the contract
16 is \$5,536,000. To construct the project, Chugach must ship from
17 California nine, 50,000 gallon, fuel storage tanks with secondary
18 containment, associated pump modules and controls, fuel on load
19 structure, barge offload equipment, piping, containment berms, and
20 tank protection. These materials comprise \$2,200,000 of the total
21 contract amount.

22 3. The storage tanks and other materials were originally
23 scheduled for delivery to Midway in June 2007, but due to the recent
24 funding issues in Congress, the delivery was pushed back until late
25 August 2007. The materials are now scheduled for arrival on or about

1 August 27, 2007. This date could be subject to slight modification
2 depending on the travel time of the tug and barge, weather, etc.

3 4. As the project manager for Chugach, and due to the
4 logistical issues involved with unloading the barge once it arrives,
5 it is imperative that I be present in Midway while the materials are
6 offloaded. Each of the storage tanks is 80' x 14' x 14' in size and
7 weighs 50 tons. The unloading of the tanks is a difficult and risky
8 process. I am the sole representa and execution of the tank offload

9 5. To prepare for the arrival of the barge, I must be in
10 Midway at least two days before it gets there. The unloading of the
11 barge is expected to take approximately five days, if the weather is
12 calm. Unloading the tanks will be slowed significantly if there are
13 high winds or turbulent seas.

14 6. There is no commercial air service to Midway. Access to
15 the Atoll is through intermittent charter service. The first flight I
16 am able to return on is scheduled to leave Midway on September 7,
17 2007. If I was able to complete the unloading of the barge before
18 that date, a special charter could be arranged. However, the cost of
19 that single flight is \$28,000.

20 7. Because of the nature of the Midway project, I have limited
21 time available between now and the middle of September. I understand
22 that Nugget seeks to take a video deposition for use at its trial,
23 which starts on August 27, 2007. I am available for such a deposition
24 during the weeks of July 15 and August 12, 2007.

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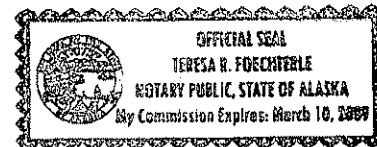
1 FURTHER your affiant saith not.

2 Lynn "Randy" Randolph
Lynn "Randy" Randolph

3 SUBSCRIBED AND SWORN to before me this 8th day of June,
4 2007.

5 Teresa R. Foerchterle
6 Printed Name: Teresa R. Foerchterle
7 NOTARY PUBLIC in and for the State
8 of Alaska, residing at Anchorage
9 My Appointment Expires March 10, 2009

10 P-TRK Randolph AFF Motion for Deposition 993100002.doc



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